



## Legislative Bulletin.....October 2, 2003

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### Flake Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003

**Order of Business:** On Wednesday, October 1<sup>st</sup>, 2003, Rep. Flake (R-AZ) announced his intention to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003.

**Summary of Motion:** The motion directs the House conferees, within the scope of conference, to include income thresholds on coverage.

**Additional Background:** Current income threshold provisions in House Medicare bill:

- Means testing of catastrophic benefit (for individuals with incomes over \$60,000) so that the benefit equals 5.8% of income.

There are no income threshold/means testing provisions in the Senate Medicare bill. However, an amendment was offered by Senators Feinstein and Nickles to implement means testing of the Part B premium. Premium costs to beneficiary would increase on a sliding scale for those with incomes above \$100,000, with beneficiaries with incomes over \$200,000 responsible for 100% of the Part B premium.

- Income of \$100,000-\$150,000 - beneficiary pays 50% of premium
- Income of \$150,000-\$200,000 - beneficiary pays 75% of premium
- Income over \$200,000 - beneficiary pays 100% of premium

A motion to table the amendment rejected in Senate by Yea-Nay vote 38 – 59, indicating significant Senate support for means testing.

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=108&session=1&vote=00261](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=108&session=1&vote=00261)

**Cost to Taxpayers:** Any motion to instruct conferees is non-binding.

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### **Bishop Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003**

**Order of Business:** On Wednesday, October 1<sup>st</sup>, 2003, Rep. Tim Bishop (D-NY) announced his intention to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003.

**Summary of Motion:** The motion directs the House conferees to reject division B of the House bill. Division B is the section of the bill that includes Health Savings Accounts (HSAs) and Health Savings Security Accounts (HSSAs).

The HSA and HSSA language was added to the House Medicare bill through the passage of H.R. 2596, which passed the House 237 - 191. <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=328>

For more information on HSAs and HSSAs, click the following link - <http://www.house.gov/burton/RSC/LB62603.pdf>.

**Cost to Taxpayers:** Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

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### **Inslee Motion to Instruct Conferees on H.R. 6-the Energy Policy Act**

**Order of Business:** On Wednesday, October 1, 2003, Rep. Jay Inslee (D-WA) notified the House of his intention to offer a motion to instruct conferees on H.R. 6-the Energy Policy Act.

**Text of Motion:** The Inslee motion would instruct the House conferees to confine themselves to the germane matters committed to the conference committee regarding high-level radioactive waste.

**Background:** The Department of Energy is seeking authority to reclassify “high-level radioactive waste” to make the standards for storing, treating, and processing wastes more flexible. Mr. Inslee’s motion claims that such a redefinition is not germane for the conference committee, yet section 14011(a) of H.R. 6 as it passed the House references the definition of “high-level radioactive waste.”

To view the RSC Legislative Bulletin on H.R. 6, as it was considered in the House, visit this webpage: <http://www.house.gov/burton/RSC/LB41003.pdf>  
<<http://www.house.gov/burton/RSC/LB61203A.pdf>>

**Cost to Taxpayers:** Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

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## **Democrat Motion to Instruct Conferees on H.R. 2660—the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004**

**Order of Business:** On Thursday, October 2, 2003, a Democrat may offer a motion to instruct conferees on H.R. 2660—the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2004.

**Text of Motion:** The Democrat motion would likely instruct the conferees to accept Senator Tom Harkin's (D-IA) amendment on overtime regulations.

**Background:** The Harkin Amendment would prohibit the Department of Labor from updating the existing regulations that define overtime exemptions for certain "white-collar" employees. The Department is seeking to expand such exemptions, and President Bush has vowed to veto a bill that contains language prohibiting such expansions.

On July 10, 2003, the House narrowly defeated (210-213) an amendment (substantively identical to the Harkin amendment) that would have prohibited the implementation of the Department's updated regulations:

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=351>

Current regulations, which have been substantially changed in 54 years, allow someone earning as little as \$8,060 a year to qualify as a "white collar" employee and therefore prevent them from receiving overtime pay under the Fair Labor Standards Act. The new regulations would raise this income ceiling to allow more people to qualify for overtime.

To view the RSC Policy Brief on H.R. 2660, as it was considered in the House, visit this webpage: <http://www.house.gov/burton/RSC/LHEFY04.pdf>

**Cost to Taxpayers:** Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

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